



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,455	09/29/2003	Mitsuru Kato	242963US0CONT	6647
22850	7590	03/30/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SELLERS, ROBERT E	
			ART UNIT	PAPER NUMBER
			1712	
DATE MAILED: 03/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,455

Applicant(s)

KATO ET AL.

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/059,410.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1712

This application contains claims 26, 27, 31-34, 42, 43, 46 and 47 drawn to inventions nonelected with traverse in the non-Final rejection mailed December 22, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 25 and 28 are withdrawn as being directed to the non-elected presence of the optional aqueous dispersion of an acrylic resin.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 50 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

1. There is no support on page 26, lines 14-18 for the exhibition of greater resistance to chlorine bleaching agents for the claimed separable fastener prepared from 2,2-dimethylolbutanoic acid than for a separable fastener made with 2,2-dimethylolpropionic acid. Page 26, lines 14-18 refers to unsatisfactory resistance to chlorine bleaching agents without 2,2-dimethylolbutanoic acid as opposed to the claimed comparison with 2,2-dimethylpropanoic acid.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 29, 30, 35-41, 44, 45 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashinaka et al. Patent No. 5,231,738 and Japanese Patent No. 62-0112504 in view of Adachi et al. Patent No. 6,322,851 and Kato et al. Patent No. 6,479,153.

The rejection is maintained for the reasons of record set forth in the non-Final rejection mailed December 22, 2005. The arguments filed March 22, 2005 have been considered but are unpersuasive.

2. The allegation that the exhibit of separable fasteners shown in the interview conducted March 21, 2006 wherein the polyurethane back coatings are prepared from the claimed 2,2-dimethylolbutanoic acid of Example 1 (specification, page 29, Table 5) and the 2,2-dimethylolpropanoic acid shown in Japanese '504 (translation, page 12, Example 1 as represented in Comparative Example 4 in Table 7 on page 31) cannot be corroborated in the absence of a verification of the evidence in a 37 CFR 1.132 declaration submitted with microphotographs of the separable fasteners.

Art Unit: 1712

3. If in fact Example 1 is the basis for one separable fastener and Comparative Example 4 the other, the difference in discoloration and lost loops observed in the interview cannot be singly attributed to the claimed 2,2-dimethylolbutanoic acid vs. the 2,2-dimethylolpropanoic acid of Japanese '504. A comparison between Example 1 containing PU(1) polyurethane (specification, page 27, Table 3) and Comparative Example 4 with PU(9) (page 28, Table 4) shows 0.75 mole of 2,2-dimethylolbutanoic acid (DMBA according to page 19, Table 1) in Example 1 as opposed to significantly greater 0.8 mole of 2,2-dimethylolpropanoic acid (DMPA) in Comparative Example 4. Furthermore, the materially different amounts of chain extending agent (0.75 PIP, or piperazine hexahydrate in Example 1 vs. 0.935 in Comparative Example 4), the additional presence of 0.16 mole of n-butylamine (BuAm) and different tertiary amines (diethylaminoethanol, DEAE in Example 1 vs. triethylamine, TEA in Comparative Example 4), and the widely variant particle diameters (114 nm in Example 1 vs. 145 nm in Comparative Example 4) could also be contributing factors to the diverse observed results.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Robert Sellers
Primary Examiner
Art Unit 1712